

REMARKS

Reconsideration of the application is requested in view of the attachment hereto and comments which follow, which are directed to the numbered paragraphs of the Office Action.

1. The Abstract has been amended as required

4. The Examiner has rejected claims 1, 2, 3, 11 as being anticipated by Wacker. The Examiner alleges and states that Wacker shows two continuous leg holders, each arranged to receive a respective hind leg of the animal, the leg holders being above the lower level of the side portions; and further comprising closure means for joining the two side portions.

With all due respect these statements are simply incorrect, and reconsideration is requested.

Wacker does not show continuous leg holders. The present specification makes it explicitly clear that “continuous” means “an endless loop or tube of material, in contrast to an item with a releasable or adjustable fastener” – page 4, lines 7 and 8. Wacker provides relatively thin straps of finite length, with no indication as to how they are affixed to the blanket. In reality, due to the physique of the horse’s hind limbs, it would be physically impossible for the horse to lift its legs into fixed straps in the Wacker design, especially as the front of the blanket is shown as continuous and must therefore of necessity be fitted first over the horse’s head. Thus, Wacker discloses not leg holders that can receive a respective hind leg but, instead, in a conventional manner, straps that must necessarily be released and subsequently re-attached, to be secured around a horse’s leg.

Wacker does not show leg holders above the lower level of the side portions. For example, Figure 6 clearly shows straps extending below the lower level of the side

portions. Assuming that the straps are flexible - they would be unworkable if they were not - they will clearly fall below the lower level of the side portions in use.

Wacker does not show closure means for joining two side portions. As shown clearly in Figure 5, the front of the horse blanket is not split. As shown clearly in Figure 3, the top of the horse blanket is not split. Therefore, there is no disclosure of two side portions being capable of opening in any way. Therefore, there is no need for any closure means for joining two such side portions. Whether or not the barrel-shaped portion towards the front of the horse blanket has any function is entirely unknown. Wacker claims an ornamental design and discloses no constructional features.

Accordingly, the Examiner's rejection of claim 1 is improper. Wacker discloses no leg holders that can receive a respective hind leg of an animal - only conventional thin straps as already discussed and contrasted in the present application (page 2, line 17 – page 3, line 6).

The Examiner's rejection of claim 2 is equally improper. There is no disclosure in Wacker of leg holders and the straps that are disclosed clearly fall below the lower level of the side portions.

The Examiner's rejection of claim 3 is also improper. There is no disclosure in Wacker of a leg holder that is continuous, as defined in the present specification.

The Examiner's rejection of claim 11 is also improper. There is no disclosure at all in Wacker of closure means for joining two side portions of a coat.

5. The Examiner has rejected claims 1, 2, 3, 11 as being anticipated by Mishler. The Examiner alleges and states that Mishler shows two continuous leg holders (a), each arranged to receive a respective hind leg of the animal. The Examiner further alleges that the leg holders are above the lower level of the side portions.

These statements also are simply incorrect.

Mishler does not show continuous leg holders. The present specification makes it explicitly clear that “continuous” means “an endless loop or tube of material, in contrast to an item with a releasable or adjustable fastener” – page 4, lines 7 and 8. The whole focus of Mishler is in providing relatively thin straps of finite length, with a releasable or adjustable fastener. That is, Mishler provides the exact construction with which the present invention is contrasted (page 2, line 17 – page 3, line 6).

In reality, due to the physique of the horse’s hind limbs, it would be physically impossible for a horse to lift its legs into straps as shown in Mishler. Thus, Mishler discloses not leg holders that can receive a respective hind leg but, instead, in a conventional manner, straps that must necessarily be released and subsequently re-attached, to be secured around a horse’s leg.

Mishler does not show that its straps are above the lower level of the side portions. On the contrary, Figure 1 clearly shows in chain lines a strap (a) extending below the lower level of the respective side portion. As the straps of Mishler are flexible - they would be unworkable if they were not - they will clearly fall below the lower level of the side portions in use, and certainly below the lower level of the side portions when unfastened.

Accordingly, the Examiner’s rejection of claim 1 is improper. Mishler discloses no leg holders that can receive a respective hind leg of an animal - only conventional thin straps as already discussed and contrasted in the present application (page 2, line 17 – page 3, line 6).

The Examiner’s rejection of claim 2 is also improper. There is no disclosure in Mishler of leg holders and the straps that are disclosed clearly fall below the lower level of the side portions.

The Examiner’s rejection of claim 3 is also improper. There is no disclosure in Mishler of a leg holder that is continuous, as defined in the present specification.

The Examiner's rejection of claim 11 is also improper. There is no disclosure in Mishler of closure means for joining two side portions of a coat.

6. The Examiner has rejected 1, 2, 3, 11, 19 and 21 as being anticipated by Borbridge. The Examiner alleges and states that Borbridge shows two continuous leg holders (13), each arranged to receive a respective hind leg of the animal. The Examiner further alleges that the leg holders are above the lower level of the side portions.

These statements are also incorrect.

Borbridge does not show continuous leg holders. The present specification makes it explicitly clear that "continuous" means "an endless loop or tube of material, in contrast to an item with a releasable or adjustable fastener" – page 4, lines 7 and 8. The whole focus of Borbridge is in providing relatively thin straps (11) of finite length, with a releasable or adjustable fastener (10, 12, 14). That is, Borbridge provides the exact construction with which the present invention is contrasted (page 2, line 17 – page 3, line 6).

Indeed, the straps (11) of Borbridge are very different to the present invention in that, in Borbridge, the straps (11) are very long, thin items that pass not only around the hind legs of the horse but underneath the belly and right up to the front of the coat A.

Moreover, as may be seen clearly in Figure 3, the buckles 12 that are provided on the straps 11 will inevitably come into contact with the horse's hind legs, thereby providing a yet further point at which damage may occur to the horse's legs.

The Examiner alleges that the loops 13 in Borbridge afford leg holders. The Examiner appears to have not read the Borbridge specification properly. The loops 13 are formed in combination with buckles 12 in order to carry snap hooks 14 that are designed to engage the metallic D's or rings 10 (page 1, lines 51 to 57). The loops 13 have nothing to do with leg holding.

In reality, due to the physique of the horse's hind limbs, it would be physically impossible for a horse to lift its legs into straps as shown in Borbridge. Thus, Borbridge discloses not leg holders that can receive a respective hind leg but, instead, in a conventional manner, straps that must necessarily be released and subsequently re-attached, to be secured around a horse's leg. It is made explicitly clear in Borbridge that "the free ends of the strap (11) are passed around the inside of the horse's hind legs and the snap hooks 14 engage with the metallic D 10".

Borbridge does not show that its straps are above the lower level of the side portions. On the contrary, Figure 3 clearly shows the straps (11) extending below the lower level of the respective side portions at several places. As the straps of Borbridge are flexible - they would be unworkable if they were not - they will clearly fall below the lower level of the side portions in use, and certainly below the lower level of the side portions when unfastened.

Accordingly, the Examiner's rejection of claim 1 is improper. Borbridge discloses no leg holders that can receive a respective hind leg of an animal - only conventional thin straps as already discussed and contrasted in the present application (page 2, line 17 – page 3, line 6).

The Examiner's rejection of claim 2 is also improper. There is no disclosure in Borbridge of leg holders and the straps that are disclosed clearly fall below the lower level of the side portions.

The Examiner's rejection of claim 3 is also improper. There is no disclosure in Borbridge of a leg holder that is continuous, as defined in the present specification.

The Examiner further alleges that Borbridge discloses "snap hook retaining means (17) for retaining the side portions in raised positions and to release the side portions to lowered positions as desired". This is clearly incorrect. The disclosure in Borbridge is extremely brief. The purpose of the snap hooks 17 is clearly to support the orifices 16 of the supporting members 15 through which the long securing straps 11 pass, under the belly of a horse. There is no teaching in Borbridge "to release the side

portions to lowered positions as desired". This is simply the Examiner's incorrect speculation. If the snap hooks 17 in Borbridge were to be released, the tension in the straps 11 would be lost and the coat would become loose and dangerous. The overall length of the side portions of the coat would be unchanged.

8. The Examiner rejects claim 20 as being unpatentable over Borbridge in view of Paul.

The Examiner argues that "although Borbridge disclose that the retaining means for retaining the side portions in raised positions are snap hooks, such mechanisms are considered alternate equivalent means to the tape for conveniently and releasably retaining the coat in a raised position". By "tape" applicant presumes that the Examiner is referring to tapes 17 as shown in the present application. For the reasons given above, this is incorrect. The whole purpose of the snap hooks 17 in Borbridge is to provide a location for the supporting members 15 through which the securing straps 11 pass. Replacing them by tapes would render Borbridge inoperable. Borbridge has no concept of raising and lowering a side portion as desired.

The Examiner refers further to Paul and alleges "that it would have been obvious to provide an animal coat having retaining means comprising tapes (13) and means for securing the tapes in a raised position (Fig. 4) according to the same rationale". This also is clearly incorrect. Paul provides "an oval shaped, quarter sheet providing hindquarter protection" only. The forward part of Paul is to provide location and securement under the weight of a saddle 15 that is placed on a saddle pad 14. Paul does not provide an animal coat having "two side portions arranged to hang down from the animal's back alongside respective sides of the animal's body", as required by applicant's claim 1. In Paul, the quarter sheet rolls down over the hind quarters of the horse and is rolled back up, as one, in the same direction. There is no question of providing a side portion that can be lowered or raised as desired.

The Examiner's rejection of claim 20 is therefore improper. The purported combination of Borbridge and Paul simply would not work. There is no question of

providing a side portion that can be lowered or raised as desired, in either Borbridge or Paul.

9. The Examiner has rejected claims 5-10 as being unpatentable over Wacker in view of McComb.

McComb is for a "protective garment for the front legs of an animal" and "includes an upper elongated back strap, a pair of leg holsters and a lower chest strap" (see Abstract). The front legs of an animal are the very legs that are excluded in the present claim 1 from securing the animal coat. McComb has absolutely nothing to do with securing an animal coat.

The Examiner argues that "McComb teaches that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide leg holders with more depth in order to better protect the legs from injury, provide more warmth, or more cushioning and comfort to the animal as it lays down". This argument is entirely irrelevant. The present invention is not concerned with any of this. The present invention is concerned with providing a means for and method of securing an animal coat on an animal, without harm to the animal. This is very clear from the present specification.

In McComb, the depth of the leg holders is clearly more than 30% of the maximum circumference of the leg holder. Therefore, quite apart from the irrelevance of McComb, even the combination of references cited by the Examiner is factually incorrect.

The Examiner's rejection of claims 5-10 is therefore improper. Neither Wacker nor McComb shows leg holders having "a depth between 8-30% of the circumference of the leg holders" as recited by the Examiner.

10. The Examiner has rejected claim 16 as being unpatentable over Wacker in view of Brezinski.

The Examiner alleges that Brezinski “teaches that it would have been obvious to make an animal coat using a method of measuring dimensions of an animal, transferring those dimensions to a pattern, making an animal coat from a pattern, and fitting the coat to an animal in order to ensure that the coat fits comfortably on the animal.” The Examiner refers to col 6, line 39 - 67.

Such a disclosure is clearly incorrect. Brezinski makes no mention at all of measuring dimensions of an animal, transferring those dimensions to a pattern, or fitting the coat to an animal in order to ensure that the coat fits comfortably on the animal. The passage referred to by the Examiner teaches nothing more than how to cut two thicknesses of material together from a common pattern and then sew them together.

The Examiner's rejection of claim 16 is therefore improper. Neither Wacker nor Brezinski mentions “measuring dimensions” or “transferring those dimensions to a pattern”, as recited by the Examiner.

11. The Examiner has rejected claim 4 as being unpatentable over Wacker in view of Sayles.

The Examiner alleges that Wacker shows the coat of claim 1. This is, in retrospect, incorrect. Please see section 4 above.

The Examiner further alleges that “Sayles teaches that it would have been obvious to provide that the leg holders be made of stretch (elastic) material in order to accommodate animals of varying sizes”.

Firstly, Wacker does not disclose leg holders but thin straps, as discussed above in section 4.

Secondly, Sayles discloses elastic bands 4 only in the context of a blanket for a small lamb, in which bands 4 are provided for all four legs. This arrangement is explicitly contrasted in claim 1.

Thirdly, Sayles discloses only elastic bands 4 that are secured at both ends 10 (page 2, lines 21 - 23). Therefore, these bands do not meet the requirement of "continuous", as stated on page 4, lines 7-8 of the present specification.

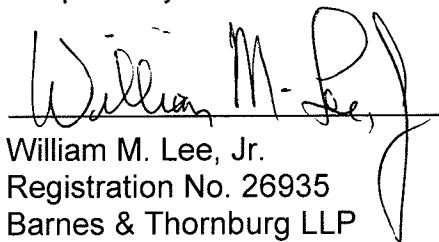
The Examiner's rejection of claim 4 is therefore improper. Wacker does not disclose the coat of claim 1. It does not disclose leg holders. Sayles discloses only bands for all four legs, secured at both ends.

In summary, horse and animal coats have been made for over a hundred years. The Examiner has cited and selectively picked from no less than twenty-three prior references, none of which teach or suggest the inventive and advantageous combination of features claimed in the present application. For the detailed reasons given above, the Examiner's rejections are believed to be based upon either a misreading of Applicant's specification or the cited prior art, or both, and are therefore improper. Allowance of the claims is clearly in order, and is requested.

As this response is being submitted during the fourth month following the Examiner's Office Action, an appropriate Petition for Extension of Time is also submitted herewith.

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Respectfully submitted


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